

Bountiful City
Administrative Committee Minutes
January 13, 2014
5:00 P.M.

Present: Acting Chairman – John Marc Knight; Committee Members – Lloyd Cheney and Dave Badham; City Attorney & Interim City Planner – Russell L. Mahan; Assistant Planner – Royce Davies; and Recording Secretary – Julie Holmgren

1. Acting Chairman Knight opened the meeting at 5:04 p.m. and all present introduced themselves. Rulynn Skidmore (933 Northern Hill Cir., Bountiful) and Boy Scout, Jaxson Connell (1290 Woodland Lane, Bountiful) were present to observe the meeting proceedings.
2. Consider approval of minutes for October 29, 2013, November 12, 2013 and December 10, 2013. Regarding the minutes for October 29, 2013, Mr. Cheney made a motion to approve the minutes as written. Mr. Knight seconded the motion. Mr. Badham abstained from voting. Voting passed 2-0 in favor. Regarding the minutes for November 12, 2013, Mr. Badham made a motion to approve the minutes as written. Mr. Knight seconded the motion. Voting passed 3-0 in favor. Regarding the minutes for December 10, 2013, Mr. Badham made a motion to approve the minutes as written. Mr. Cheney seconded the motion. Voting passed 3-0 in favor.
3. Consider approval of a Lot Line Adjustment at 391 W. 3100 S. and 407 W. 3100 S., Douglas Lee Bawden and Carol Sessions Bawden, applicants.

Douglas Lee Bawden, applicant, was present. Jake Ferguson (407 W. 3100 S., Bountiful) representing South Davis Water District was also present. Royce Davies presented the staff report.

The Applicants are applying for a Lot Line Adjustment to transfer property from 391 West 3100 South, Bountiful, Utah to 407 West 3100 South, Bountiful, Utah. 391 West 3100 South is located in the R-1 Single Family Residential Zone and 407 West 3100 South is located in the R-4 Single Family Residential Zone. The Lot Line Adjustment will transfer approximately 14,523.58 square feet (0.33 acres) from 391 West 3100 South to 407 West 3100 South. The transfer will occur in a rectangular area that constitutes approximately the southern third of 391 West 3100 South.

No new lots are being created in this transfer so an amended subdivision plat is not required. No easements will be affected on either property. The transfer will reduce the square footage of 391 West 3100 South from 43,570.63 square feet to 29,047.05 square feet. The minimum lot size for the R-1 Zone where the property is located is 40,000 square feet. Because the minimum lot size for the R-1 Zone will no longer be met by 391 West 3100 South, a zone change authorized by the land use authority will be required.

Based on findings, Staff cannot recommend approval for a lot line adjustment at this time. The zoning for the property must first be changed in order to bring the lot into compliance with lot

size minimums stated in 14-4-104 of the Bountiful City Land Use Ordinance prior to approval for the lot line adjustment.

Mr. Mahan provided background information regarding the 2011 code amendment for the 3100 South area to allow large animals on properties larger than one acre. He provided copies of Bountiful City Ordinance No. 2011-12 and Exhibit A (Current Zoning Map with Zone Map Amendment Boundaries) for meeting attendees. Mr. Mahan highlighted that as indicated in Mr. Davies' report, in order to approve the lot line adjustment the zoning must first be changed from R-1 to R-4. This change must be presented to the Planning Commission and then to the City Council. Mr. Bawden reported that he has no large animals and the zoning change would not present a problem in that regard.

Mr. Ferguson explained that South Davis Water District is interested in purchasing Mr. Bawden's land for storage of equipment, inventory, gravel, sand, and salt. Mr. Knight raised a concern regarding this use of the land. Mr. Mahan pointed out that the property was annexed into the city and is classified legal non-conforming. It was legal at its inception, but the area is now zoned residential and the proposed use described is commercial rather than residential. Mr. Mahan pointed out the proposed lot line would require expansion of a non-conforming use. Mr. Ferguson indicated that South Davis Water District would not be interested in purchasing the property if they cannot use it for commercial purposes. A discussion ensued regarding building a garage on the proposed property. Mr. Davies pointed out that without a primary residence on the property that an accessory structure would be problematic. Mr. Mahan read from Chapter 2 of the Bountiful Code: "Any expansion of a non-conformity that increases the degree of non-conformance is prohibited." This applies to the same land increasing to a greater non-conformity, and moving into new land would require a zoning fix that may not pass. The proposed use of this land is non-residential use and is illegal in both R-1 and R-4 zones. The property would need to be rezoned to commercial use. Mr. Mahan concluded that this item requires further research.

Mr. Cheney motioned that the item be tabled for further study and determination as to how to proceed. Mr. Badham seconded the motion. Voting passed 3-0 in favor of tabling the item.

Mr. Knight re-opened the discussion for commentary from Mr. Badham. Mr. Badham explained that South Davis Water District provides a service to Bountiful citizens. Their area of operation has remained the same as the city of Bountiful has grown. With a larger area for storage of inventory and equipment, they can operate more efficiently and the city will benefit. Mr. Knight reported that the Administrative Committee cannot authorize a zoning change or a deviation in the non-conforming lot expansion, thus the item must be tabled for now. Mr. Bawden was advised to contact Mr. Mahan regarding the next step in this matter.

4. Consider an approval of a Conditional Use Permit letter, in written form, to allow for an Accessory Dwelling Unit (ADU) at 387 N. Davis Blvd, Guy Haskell representing Updwell Development, applicant.

Mr. Cheney made a motion to approve the Conditional Use Permit letter, in written form, to allow for an Accessory Dwelling Unit (ADU) at 387 N. Davis Blvd, Guy Haskell representing

Updwell Development, applicant. Mr. Badham seconded the motion. Voting passed 3-0 in favor.

5. Consider an approval of a Conditional Use Permit letter, in written form, to allow for solar panels at 963 Deborah Cir., Lynn and Sue Higgs, applicants.

Mr. Cheney noted that the legal property description in the letter contained information not pertinent to the piece of property containing the solar panel. He proposed to exclude the following language from the property description on the Conditional Use Permit letter: "ALSO: THE E 3.0 FT OF LOT 103 SD SUB. CONT. 0.30 ACRES." Mr. Badham made a motion to approve the Conditional Use Permit letter, in written form, with the aforementioned revised property description, to allow for solar panels at 963 Deborah Cir., Lynn and Sue Higgs, applicants. Mr. Cheney seconded the motion. Voting passed 3-0 in favor.

6. Acting Chairman Knight ascertained there were no other items to discuss. Mr. Badham moved to adjourn. Mr. Cheney seconded the motion. Voting passed 3-0 in favor. The meeting was adjourned at 5:38 p.m.